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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Petruzzi

Appln. Serial No.: 10/801,269

Filed: March 16, 2004

For: A MACHINE FOR AUTOMATED  
GENERATION OF MOVEMENT OF  
CHIMES

Group Art Unit: 2632

Examiner: Davetta Goins

NOTIFICATION OF LITIGATION

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

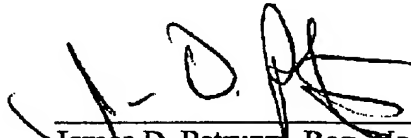
Applicant has recently become aware of M.P.E.P. §2001.06(c), that may require additional notice of a pending litigation relating to a parent and continuation application that pre-issued the instant pending application. The instant application is a continuation of U.S. Patent Application No. 10/160,234 filed May 31, 2002, now issued as U.S. Patent No. 6,768,416 (the '416 Patent') which is a continuation of U.S. Patent Application No. 09/528,769 filed March 17, 2000 and issued July 9, 2003 as U.S. Patent No. 6,417,763 (the '763 Patent'). The '763 Patent and the '416 Patent are currently pending in litigation entitled: *Excellent Inventions, L.L.C. v. FKA Distributing Co., et al.*, Civil Action Number H-04-4543, in the U.S. District Court for the Southern District of Texas, Houston Division. Briefs pertaining to a preliminary injunction request and claim construction were filed by both parties which included arguments on the issue of inequitable conduct. The Court issued a ruling denying a preliminary injunction and has

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construed Claim 2 of the '763 Patent and claim 1 of the '416 Patent all of which can be made available upon request.

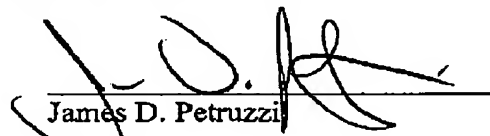
Dated: February 23, 2006

Respectfully submitted,

  
James D. Petruzzi, Reg. No. 35,644  
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Houston, Texas 77056

CERTIFICATE OF MAILING AND FACSIMILE

I hereby certify that the above-noted paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, on February 23, 2006 as first above noted and sent via facsimile to the Group Fax number 571-273-8300.

  
James D. Petruzzi

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